

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: VALLEY STATE PRISON
Water System No. 2010801

TO: Mr. Gerald Hazelwood, Correctional Plant Manager
Valley State Prison
P.O. Box 99
Chowchilla, CA 93610

CC: Madera County Environmental Health Department
Aldo Garza (same address)
Charles R. Protzman, Certified Operator (1401 61st Street, Sacramento, CA
95819)

CITATION FOR NONCOMPLIANCE
TOTAL COLIFORM RULE VIOLATION
May 2013

Issued on June 5, 2013

Section 116650, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

VIOLATION

The Drinking Water Field Operations Branch of the California Department of Public Health (hereinafter 'Department') hereby issues a Citation to Valley State Prison (hereinafter

1 'VSP'), for failure to comply with Section 116555(a)(1) of the CHSC and Section
2 64423.1(b), Section 64424(a), Section 64424(b), Section 64430, Section 63770(a), Section
3 64413.7(c), and Section 64421 of Title 22, California Code of Regulations (CCR).
4 Specifically, the VSP (mailing address: P.O. Box 99, Chowchilla, CA 93610) failed to
5 comply with provisions of the Total Coliform Rule for the month of May 2013.

6
7 Section 64423.1(b) specifies that the water supplier shall require the laboratory to notify the
8 supplier within 24 hours, whenever the presence of total coliform bacteria, fecal coliform
9 bacteria, or E.coli bacteria is demonstrated in a sample, and shall ensure that a contact
10 person is available to receive these analytical results 24 hours a day. The water supplier
11 shall also require the laboratory to immediately notify the Department of any positive
12 bacteriological results if the laboratory cannot make contact with the designated contact
13 person within 24 hours. Specifically:

- 14 • VSP staff collected a routine distribution system sample on May 21, 2013. The
15 sample was positive for total coliform bacteria (>23 MPN/100 mL), fecal coliform
16 bacteria (12 MPN/100 mL), and E.coli bacteria (6.9 MPN/100 mL). The contract
17 laboratory called VSP several times on Saturday May 25, 2013, and was not able to
18 leave any phone messages. The laboratory representative sent VSP staff an email on
19 the same day notifying them of the positive bacteriological test results. The
20 laboratory did not notify the Department on May 25, 2013. The Department was not
21 notified until May 31, 2013, when a copy of the test results were emailed to the
22 Department. VSP did not notify the Department of the coliform-positive samples at
23 any time.

24
25 Section 64424(a) specifies that if a routine sample is total coliform positive, the water
26 supplier shall collect a repeat sample set within 24 hours of being notified of the positive
27

1 result. The repeat samples shall be collected within the same 24 hour time period.
2 Specifically:

- 3 • VSP staff were notified by phone of the positive sample results on May 28, 2013.
4 VSP staff collected one repeat sample (at original location – Bldg. 410) and two
5 routine distribution system samples (Bldg. 401 & Bldg. 1101) on May 28, 2013.
- 6 • The results of the samples collected on May 28, 2013, were negative for total
7 coliform, fecal coliform, and E.coli bacteria.

8
9 Section 64424(b) specifies that when collecting a repeat sample set, the water supplier shall
10 collect at least one repeat sample from the sampling tap where the original total-coliform
11 positive sample was taken. Other repeat sample sites shall be collected within five service
12 connections upstream and downstream of the original site. At least one sample shall be
13 from upstream and one from downstream unless there is no upstream and/or downstream
14 service connection. Specifically:

- 15 • VSP collected one repeat sample from the original sample location (Bldg. 410) in
16 the distribution system on May 28, 2013.
- 17 • VSP did not collect the correct number of repeat samples on May 28, 2013.
- 18 • The Department directed VSP to collect seven distribution system repeat samples on
19 May 31, 2013, including a repeat sample set for the original positive sample results.
20 Repeat samples were collected from the following locations: Bldgs. 801, 403, 410,
21 401, 1101, 411, and 806. All repeat samples were negative for coliform bacteria.

22
23 Section 64430 requires compliance with the provisions of 40 CFR (Section 141.402(2) for
24 groundwater systems. The California Groundwater Rule specifies that a groundwater
25 system must collect, within 24 hours of the notification of the total coliform-positive
26 sample, at least one groundwater source sample from each groundwater source in use at the
27 time the total coliform-positive sample was collected. Specifically:

- 1 • VSP did not collect the required groundwater source samples within 24 hours of
- 2 being notified of the coliform-positive sample.
- 3 • The Department directed VSP to collect groundwater source samples on May 31,
- 4 2013.

5
6 Section 63770(a) specifies that the minimum certification requirements for a D2 classified
7 distribution system are: a chief operator with a minimum certification of D2 and a shift
8 operator with a minimum certification of D1. Specifically:

- 9 • VSP retains the contract chief operator services of Charles Protzman who is based
- 10 out of Sacramento. Mr. Protzman holds a Grade D2 distribution system operator
- 11 certification. There is no designated shift operator and/or a back-up certified
- 12 operator at VSP.

13
14 Section 64413.7(c) specifies that the chief operator or shift operator shall be on-site or able
15 to be contacted within one hour. Specifically:

- 16 • VSP's contract operator is based out of Sacramento which is more than two hours
- 17 away from the water system. VSP has no certified operators on staff. VSP is not in
- 18 compliance with Section 64413.7.

19
20 Section 64421 requires that all water suppliers have a routine sample siting plan and to
21 collect samples in accordance with that plan. Specifically:

- 22 • VSP has a Bacteriological Sample Siting Plan (BSSP) on file with the Department.
- 23 However, VSP did not collect repeat samples in accordance with their approved
- 24 BSSP.
- 25 • Due to the length of time required to analyze a coliform sample with the 1X10 MPN
- 26 method, the Department requests that VSP use a 24 density method for all coliform
- 27 analyses in the future to ensure timely reporting of results.

1
2 The above violations are classified as non-continuing violations.

3
4 **NOTIFICATION REQUIREMENTS**

5 Section 64426.1(c) requires a public water system to notify the Department and the
6 consumers of the water system, when a violation of Section 64426.1(b)(1) through (4)
7 occurs. Notification to the Department shall be by the end of the business day on which the
8 violation has been determined. If the Department is closed, notification shall be within 24
9 hours of the determination. The Department was not notified in accordance with the above-
10 referenced section.

11
12 A Tier 2 Public Notice for violations of paragraphs 64426.1(b)(1) or (2) shall be given
13 pursuant to Sections 64463.4 and 64465. The Tier 2 Public Notice shall include the
14 mandatory health effects language from Appendix 64465-A for a Total Coliform Rule
15 violation.

16
17 Section 64463.4 allows community water systems to use mail or direct delivery methods to
18 notify customers and the use of one or more of the following methods to notify persons not
19 likely reached by mail or direct delivery: publication in a daily or weekly newspaper,
20 posting the public notice in a conspicuous public place within the water system or on the
21 internet, or by delivery to community organizations. The Tier 2 notification methods are
22 included in Attachment A along with instructions on completing the public notice.

23
24 The VSP shall conduct public notification by continuous posting for a minimum of seven
25 (7) days in conspicuous locations throughout the water system. Special attention should be
26 given to the units who do not have access to public areas. Section 116450(g) requires that
27 upon receipt of notification from a public water system, schools must notify school

1 employees, students, and parents (if the students are minors), residential rental property
2 owners or managers (including nursing homes and care facilities) must notify their tenants
3 and business property owners, managers or operators must notify employees of businesses
4 located on the property. These secondary notification requirements are included in the
5 public notice.

6
7 Proof of notification is required. The VSP shall complete Attachment B and return it to the
8 Department by **June 30, 2013**.

9
10 **DIRECTIVES**

11 The Valley State Prison is hereby directed to take the following actions:

- 12
- 13 1. By **June 21, 2013**, the VSP shall provide public notification of the Total Coliform
14 Rule violation by continuous posting for a minimum of seven (7) days in
15 conspicuous public places within the water system (see Attachment A). Special
16 attention should be given to the units who do not have access to public areas.
 - 17
 - 18 2. By **June 30, 2013**, the VSP shall provide proof of notification of continuous posting
19 for a minimum of seven (7) days in conspicuous public places within the water
20 system of the Total Coliform Rule violation using Attachment B.
 - 21
 - 22 3. In the future, the VSP shall collect the correct number of repeat samples from the
23 approved locations as required by Section 64424 of the CCR and as discussed in this
24 Citation whenever a routine sample is positive for total coliform bacteria within 24
25 hours of receipt of notification from its contract laboratory.
 - 26
 - 27

- 1 4. In the future, the VSP shall comply with the California Groundwater Rule
2 requirements by collecting source sample(s) in follow-up to a routine total coliform
3 positive sample within 24 hours of receipt of notification from its contract
4 laboratory.
- 5
6 5. In the future, the VSP shall notify the Department of any total coliform-positive
7 samples, fecal coliform-positive samples, or any E.coli bacteria-positive samples by
8 the end of the business day on which the result has been determined, or, if the
9 Department is closed, within 24 hours of the determination.
- 10
11 6. By **June 30, 2013**, the VSP shall submit an updated Bacteriological Sample Siting
12 Plan. The revised BSSP must include information on notification requirements and
13 provide assurance that the proper notification can be made. The VSP must also
14 contact the analytical laboratory to ensure that they are familiar with the new
15 notification procedures. The VSP should ensure that all staff involved in collecting
16 samples and ensuring compliance with the TCR are familiar with the revised BSSP.
17 Guidelines for preparing a bacteriological sample siting plan are appended as
18 Attachment C.
- 19
20 7. By **June 30, 2013**, the VSP shall prepare and submit an incident report. The
21 information contained in the report should detail the events leading to the coliform
22 positive sample as well as corrective actions made since the coliform positive
23 sample was collected.
- 24
25 8. The VSP must provide the name of the properly certified distribution system
26 operator who can be available within one hour by **July 15, 2013**.
- 27

- 1 9. The VSP must use a 24 hour density method for all bacteriological analyses.
- 2
- 3 10. The VSP shall reimburse the Department, in accordance with an invoice that shall be
- 4 provided to the VSP, the costs for enforcement activities, and such reimbursement
- 5 shall be made prior to September 1 of the fiscal year following the fiscal year in
- 6 which such costs are incurred as described in CHSC Section 116577(a)(1-2) and
- 7 116577(b).
- 8
- 9 11. By **June 14, 2013**, the VSP shall submit a written response to the Department
- 10 acknowledging that it has received this citation and will comply with all the
- 11 directives listed herein.
- 12
- 13 12. All items requested by this Citation shall be submitted to:

14 Carl L. Carlucci, P.E.
15 Supervising Sanitary Engineer
16 California Department of Public Health
17 Drinking Water Field Operations Branch
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704

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FURTHER ENFORCEMENT ACTIONS

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable laws or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

This citation shall apply to and be binding upon Valley State Prison, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and Valley State Prison shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTY

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act.

Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred dollars) for each day that the violation continues beyond the date set for correction in this Citation.

The Department does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

Date

6-5-2013

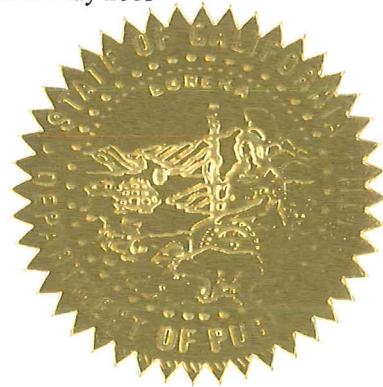
Carl L. Carlucci, P.E.

Supervising Sanitary Engineer, Region 3
Southern California Branch
DRINKING WATER FIELD OPERATIONS BRANCH

Attachments:

Attachment A: Copy of Public Notification
Attachment B: Proof of Notification-Posting
Attachment C: Bacteriological Sample Siting Plan Instructions & Template
Attachment D: Summary of bacteriological samples collected in May 2013

CLC/mrw/2010801/Cit 03-11-13C-004-2010801-26.doc



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Valley State Prison Had Procedural Violations and Monitoring Requirements Were Not Met

Our water system recently failed to monitor as required and therefore was in violation of the Total Coliform Rule regulations. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took fifteen samples to test for the presence of coliform bacteria during May 2013. One of our samples showed the presence of total coliform bacteria, fecal coliform bacteria, and E.coli bacteria.

Results of regular monitoring are indicators of whether or not our drinking water meets health standards. During May 2013, we did not properly monitor the distribution system in response to the total coliform positive, fecal coliform positive, and E.coli positive sample results and therefore cannot be sure of the quality of our drinking water during that time.

What should I do?

- **You do not need to boil your water or take other corrective actions.**

What happened? What was done?

Bacterial contamination can occur when increased run-off enters the drinking water source (for example, following heavy rains). It can also happen due to a break in the distribution system (pipes) or a failure in the water treatment process.

Our routine weekly distribution system sample collected from Bldg. 410 on May 21, 2013, tested positive for total coliform bacteria, fecal coliform bacteria, and E.coli bacteria. VSP was not notified of the positive sample by the contract laboratory until Tuesday May 28, 2013. VSP immediately collected a single repeat sample from the same site (Bldg. 410) and two weekly routine samples from Bldgs. 1101 and 410. All three samples were negative for coliform bacteria. We did not notify the Department of Public Health on May 28, 2013, as we are required to. Additionally, we did not collect the required samples from our wells (Wells Nos. 1 & 2) on May 28, 2013.

Our contract laboratory notified the Department of Public Health on May 31, 2013. The Department immediately directed our staff on May 31, 2013, to collect nine repeat samples from the following locations: Bldgs. 801, 403, 410, 401, 1101, 411, 806, Well

No. 1 and Well No. 2. All of the samples collected on May 31, 2013, were negative for coliform bacteria.

For more information, please contact Allen St. Lucia at (559) 665-6100 x. 6271 or P.O. Box 99, Chowchilla, CA 93610

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Valley State Prison.

State Water System ID#: __2010801__. Date distributed: _____.



RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health

Attachment B



EDMUND G. BROWN JR.
Governor

PROOF OF NOTIFICATION

(Return with copy of notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Valley State Prison** of the failure to meet the **Total Coliform Rule and Monitoring Requirements** for **May 2013** as directed by the Department.

Notification was made on _____ by
(date)
hand delivering / mailing / posting / publishing the written
notice.
(circle all that apply)

Signature of Water System Representative

Date

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due: June 30, 2013
TCR Violation
System Number: 2010801
Citation No.: 03-11-13C-004



MARK B HORTON, MD, MSPH
Director

State of California—Health and Human Services Agency
California Department of Public Health

Attachment C



ARNOLD SCHWARZENEGGER
Governor

DRINKING WATER FIELD OPERATIONS BRANCH - MERCED DISTRICT

BACTERIOLOGICAL SAMPLE SITING PLAN GUIDELINES

(For systems collecting 5 or more routine samples per month)

The following outline contains the minimum requirements that should be included in any Bacteriological Sample Siting Plan submitted to the Drinking Water Field Operations Branch for approval and acceptance. This outline is designed for systems that collect five or more routine samples per month. Sections referred to below are from the CCR, Title 22 and are attached. Please address all the following sections.

- A. System Description** – A brief description of the water system is required that accurately describes the water system. The following items should be provided:

- ___ Date
 - ___ Date of bacteriological sample siting plan (month/year)

- ___ System Size
 - ___ Number of service connections
 - ___ Population served
 - ___ Required minimum number of routine samples (per Table 64423A of Section 64423)
 - ___ Number of routine sample that will be collected monthly/weekly

- ___ System Facilities
 - ___ Sources of water supply
 - ___ Treatment provided
 - ___ Storage facilities
 - ___ Pressure zones in the distribution system (approximate population served in each pressure zone)

B. Sample Sites and Schedule – The routine and repeat sample sites must be identified and a schedule developed.

- ___ Proposed number and location of routine sample sites. (See Table 64423A of Section 64423) to determine the number of routine samples required for your system.
- ___ Proposed repeat (follow-up) sample sites which must be located within five service connections upstream and downstream of the routine sample site (Section 64424(b)).
- ___ At least two repeat sample sites are required for each routine sample site (Section 64424(a)(1))
- ___ Address/location of each routine and repeat sample site. This must be shown on system map submitted (see Item C).
- ___ Description of each sample site (e.g., exterior hose bib, gooseneck-type copper tube with pet cock).
- ___ Sampling schedule for each routine sample site (e.g., weekly, every other week, monthly, quarterly, etc.) Rationale that demonstrates that the schedule is representative of the water delivered throughout the distribution system every month, using either fixed sample sites or a rotation among sample sites if there are more sites than the minimum required (Section 64422). It is not recommended that each routine sample site is not sampled less frequently than once every three months.

C. System Map – The system map can be a one-page engineering drawing of the distribution system, a street map, or system schematic, showing the locations of the following:

- ___ System Facilities
 - ___ Sources of water supply
 - ___ Treatment facilities
 - ___ Storage facilities
 - ___ Pressure zones
 - ___ Booster stations
 - ___ Pressure reducing stations
 - ___ Water mains and diameter
 - ___ Dead ends (if dead ends cannot be specifically identified on the map provided, then the total number of dead ends in the system, with address locations, should be listed)
- ___ Sample Sites (with address/location)
 - ___ Routine sample sites
 - ___ Repeat sample sites
 - ___ Other/Special sample sites (e.g., well head, storage tank usually done for investigations)

D. Sampling Methods – The samplers must be trained (Section 64422(2)(b)).

- ☐ Sampler name, certification or training
 - ☐ Standby/relief sampler certification or training
- ☐ Certified laboratory name, phone number and certification number
- ☐ Analytical method to be used by laboratory for reporting
- ☐ Confirm that reporting agreements are in place with your laboratory whenever the presence of total coliforms, fecal coliforms or E. coli is demonstrated in a sample (review Section 64423.1(b)). We recommend a copy of your Emergency Notification Plan be provided to your laboratory.

Bacteriological Distribution Monitoring Report

2010801 Valley State Prison for Women

Distribution System Freq: 5/M

Sample Date	Location	T Coli	E Coli	F Coli	HPC	Type	Cl2	Violation	Comment
5/7/2013	Bldg 801	<1.1	<1.1	<1.1		Routine		MR8	no cl2 residual listed on report
5/15/2013	Bldg 403 Route 2	<1.1	<1.1	<1.1		Routine	0.84		
5/21/2013	Bldg 410 Route 3	>23	6.9	12		Routine	0.29		Cit 03-11-13C-004
5/28/2013	Bldg 1101 Route 5	<1.1	<1.1	<1.1		Routine	1.37		
5/28/2013	Bldg 401 Route 4	<1.1	<1.1	<1.1		Routine	1.44		
5/28/2013	Bldg 410 repeat	<1.1	<1.1	<1.1		Repeat	1.18	MR5	Cit 03-11-13C-004
5/31/2013	Repeats: 801,403,410,401,1101,411, 806	<1	<1			Repeat			Cit 03-11-13C-004
5/31/2013	Wells: 1,2	<1	<1			Source R		GR1	Cit 03-11-13C-004

Violation Key

MCL	Exceeds the maximum contaminant level	MR4	Did not collect 5 routine samples for previous month's positive sample
MR1	No monthly sample for the report month	MR5	Incorrect number of repeat samples as follow-up to a positive sample
MR2	No quarterly sample for the report month	MR6	No source sample
MR3	Incorrect number of routine samples for the report month	MR7	No summary report submitted
		MR8	Other comments and/or info.